

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

DENNIS ARCHILLA
463 Marilla Street
Buffalo, New York 14220

Plaintiff,

vs.

QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH
SOCIETY OF WEST SENECA, NEW YORK
4220 Seneca Street
West Seneca, New York 14224

SISTERS OF ST. FRANCIS OF THE
NEUMANN COMMUNITIES
960 James Street, 2nd Floor
Syracuse, New York 13203

Defendants.

SUMMONS

Index No.:

Filed in the
Erie County Clerk's
Office on: _____

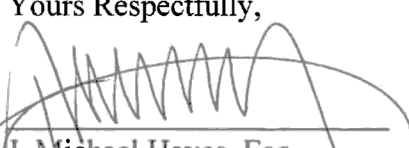
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action, and to serve a copy of your answer, or, if the summons is not served with a complaint, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence of the Plaintiff who resides in Erie County, New York.

DATED: BUFFALO, NEW YORK
September 4, 2019

Yours Respectfully,


J. Michael Hayes, Esq.
Law Office of J. Michael Hayes
Attorneys for Plaintiff

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69 Delaware Avenue, Suite 1111
Buffalo, New York 14202
Telephone: (716) 852-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

DENNIS ARCHILLA,

Plaintiff,

vs.

QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH
SOCIETY OF WEST SENECA, NEW YORK, and
SISTERS OF ST. FRANCIS OF THE NEUMANN
COMMUNITIES,

Defendants.

**COMPLAINT
JURY TRIAL
DEMANDED**

Index No.:

The Plaintiff, DENNIS ARCHILLA, by his attorney, J. MICHAEL HAYES, ESQ. for his complaint against the Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, and SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, herein alleges:

PARTIES

1. Presently and at all times hereinafter mentioned, Plaintiff, DENNIS ARCHILLA, is a resident of the County of Erie and State of New York.

2. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, is a domestic corporation authorized and existing by virtue of the laws of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

3. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, is a domestic corporation authorized

and existing by virtue of the laws of the State of New York with offices for the transaction of business located in the County of Erie and State of New York.

4. Plaintiff asserts trial preference pursuant to CPLR 3403(a)(7), as added by Section 4 of the Child Victims Act.

JURISDICTION

5. This Court has jurisdiction pursuant to CPLR 301 as Defendants' principal places of business are in New York and because the events giving rise to this action occurred in New York.

6. Venue is proper pursuant to CPLR 503 as Plaintiff's residence is in Erie County, New York. Additionally, Defendants' principal places of business are in Erie County, New York.

FACTS COMMON TO ALL CLAIMS

7. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, owned Queen of Heaven Roman Catholic School ("Queen of Heaven School"), located at 839 Mill Road, West Seneca, New York 14224.

8. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, managed, operated and/or controlled the Queen of Heaven School, including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

9. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, managed, operated and/or controlled the Queen of Heaven School, including, *inter alia*, the hiring of employees, employee supervision, employee assignments and monitoring the student body.

10. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, contracted with lay parents of children to attend Queen of Heaven School in exchange for monetary compensation.

11. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, agreed and assumed the responsibility to provide schooling, education and a safe and protective environment for the infant school attendees.

12. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, agreed and assumed the responsibility to provide a safe and protective environment for the infant school attendees.

13. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, owned Queen of Heaven Roman Catholic Church at 4220 Seneca Street, West Seneca, New York 14224.

14. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, managed, operated and/or controlled Queen of Heaven Roman Catholic Church.

15. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, managed, operated and/or controlled Queen of Heaven Roman Catholic Church.

16. Upon information and belief, at all times herein mentioned, Reverend William F. J. White ("Reverend White") was a Roman Catholic priest and an officer, agent, representative,

servant and/or employee of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

17. Upon information and belief, at all times herein mentioned, Reverend White was acting within the scope of his agency, servitude and/or employment with Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

18. Upon information and belief, at all times herein mentioned, Reverend White was under the direction, supervision and/or control of Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

19. Upon information and belief, Reverend White was a serial pedophile.

20. Upon information and belief, Reverend White expired in or around 2016.

21. Upon information and belief, at all times herein mentioned, Monsignor Robert J. Cunningham was the officer, agent, representative, servant, supervisor and/or employee in charge of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

22. Upon information and belief, at all times herein mentioned, Monsignor Robert J. Cunningham was responsible for the supervision, direction and/or control of other officers, agents, representatives, servants and/or employees, including Reverend White, of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

23. Upon information and belief, at all times herein mentioned, Monsignor Robert J. Cunningham was Reverend White's superior at Queen of Heaven Church and/or School.

24. Upon information and belief, at all times herein mentioned, Monsignor Robert J. Cunningham was responsible for Reverend White's supervision, the monitoring of his actions and

interactions with parish members and their children, as well as students at the Queen of Heaven School.

25. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, had as an officer, agent, representative, servant and/or employee Sister Patricia Griffin, who held the title of Assistant Principal of Queen of Heaven School.

26. Upon information and belief, at all times herein mentioned, Sister Patricia Griffin was acting within the scope of her agency, servitude and/or employment by Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

27. Upon information and belief, at all times herein mentioned, Sister Patricia Griffin was acting under the direction, supervision and/or control of Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

28. Plaintiff, DENNIS ARCHILLA, was under eighteen (18) years of age at all relevant times mentioned herein.

29. Upon information and belief, Plaintiff was a student at Queen of Heaven School in or around 1986-1987, a school within and operating under the auspices of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

30. Upon information and belief, Plaintiff was a student at Queen of Heaven School in or around 1986-1987, a school within and operating under the auspices of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

31. Upon information and belief, through his positions at, within, or for the Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, Reverend White was put into direct contact with infant Plaintiff.

32. Upon information and belief, through his positions at, within, or for the Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, Reverend White was put into direct contact with infant Plaintiff.

33. Upon information and belief, it was under such circumstances that infant Plaintiff came to be under the direction and/or control of Reverend White, who used his position of authority and trust over Plaintiff to sexually abuse and harass him.

34. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through the actions of Sister Patricia Griffin, did provide, order and/or place the infant Plaintiff, DENNIS ARCHILLA, into the custody and control of Reverend White.

35. Upon information and belief, at or around 1986-1987, Reverend White, while acting as a priest, counselor, officer, employee, agent, servant and/or volunteer of the Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, did sexually assault, abuse and/or had sexual contact with infant Plaintiff.

36. Reverend White did have bodily contact and touching with infant Plaintiff, DENNIS ARCHILLA, in touching Plaintiff's buttocks and genitalia.

37. Upon information and belief, Reverend White's contact with Plaintiff, DENNIS ARCHILLA, was extreme, outrageous, subjectively offensive to Plaintiff and objectively offensive to a reasonable person in the same or similar situation.

38. Upon information and belief, Reverend White intended to make such physical and sexual contact without the consent of infant Plaintiff, DENNIS ARCHILLA, and did, in fact, make such contact without Plaintiff's consent.

39. Plaintiff, DENNIS ARCHILLA, was unable to give consent to engage in Reverend White's sexual molestation as Plaintiff was a minor at all relevant times.

40. Upon information and belief, Reverend White's molestation of Plaintiff occurred at, in and/or around Defendants' premises, Queen of Heaven Church and School in West Seneca, New York.

41. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, through its officer, agent, representative, servant and/or employee Reverend White, sexually molested infant Plaintiff, DENNIS ARCHILLA.

42. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through its officer, agent, representative, servant and/or employee Reverend White, sexually molested infant Plaintiff, DENNIS ARCHILLA.

43. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, including Monsignor Robert J. Cunningham, knew and/or reasonably should have known of Reverend White's proclivities toward molestation and sexual assault of young children.

44. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives,

servants and/or employees, including Sister Patricia Griffin, knew and/or reasonably should have known of Reverend White's proclivities toward molestation and sexual assault of young children.

45. Upon information and belief, at all times herein mentioned, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, knowingly condoned, and/or covered up inappropriate and unlawful sexual activities of Reverend White involving minors.

46. Upon information and belief, at all times herein mentioned, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, including Sister Patricia Griffin, knowingly condoned, and/or covered up inappropriate and unlawful sexual activities of Reverend White involving minors.

47. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, including Monsignor Robert J. Cunningham, had the responsibility to monitor, supervise, direct, control and/or be aware of the actions of priests serving at Queen of Heaven Church and/or School.

48. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, including Sister Patricia Griffin, had the responsibility to monitor, supervise, direct, control and/or be aware of the actions of priests serving at Queen of Heaven Church and/or School.

49. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, including Monsignor Robert J. Cunningham, had a duty not to aid a serial pedophile such as Reverend White, by assigning, supporting, maintaining

and/or appointing him to a position with access to minors and/or physically providing him with infant victims.

50. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, including Sister Patricia Griffin, had a duty not to aid a serial pedophile such as Reverend White, by assigning, supporting, maintaining and/or appointing him to positions with access to minors and/or physically providing him with infant victims.

51. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, including Monsignor Robert J. Cunningham, did violate their duty to the public generally and minors specifically, including infant Plaintiff, DENNIS ARCHILLA, by knowingly exposing and physically providing them to Reverend White and in providing him with an unsupervised locus in which to physically abuse infants.

52. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, including Sister Patricia Griffin, did violate their duty to the public generally and minors specifically, including infant Plaintiff, DENNIS ARCHILLA, by knowingly exposing and physically providing them to Reverend White and in providing him with an unsupervised locus in which to physically abuse infants.

53. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, including Monsignor Robert J. Cunningham, individually, jointly and/or severally, violated various New York statutes in effect at all relevant

times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

54. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, including Sister Patricia Griffin, individually, jointly and/or severally, violated various New York statutes in effect at all relevant times mentioned herein including, but not limited to, N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

55. Plaintiff, DENNIS ARCHILLA, has suffered severe personal physical and psychological injuries and damages as a result of Reverend White's actions occasioned, facilitated, permitted and/or condoned by Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, as well as other damages related thereto, as a result of his childhood sexual abuse consistent with offenses as defined by Article 130 of the Penal Law.

56. Plaintiff, DENNIS ARCHILLA, asserts his revival action pursuant to the New York State Child Victims Act, CPLR 214-g.

57. Upon information and belief, the limitation of liability set forth in CPLR Article 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR 1602 including, without limitation, that Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, acted with reckless

disregard for the safety of others, including Plaintiff, and/or knowingly and/or intentionally provided Reverend White with unfettered access to children.

58. Plaintiff, DENNIS ARCHILLA, demands a jury trial on all claims.

AS AND FOR A FIRST CAUSE OF ACTION

59. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “58” of the Complaint with the same force and effect as fully set forth herein at length.

60. Upon information and belief, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through their officers, agents, representatives, servants and/or employees, including Monsignor Robert J. Cunningham and Sister Patricia Griffin, knew and/or reasonably should have known, that Reverend White posed a threat of sexual abuse to children.

61. Upon information and belief, at all times herein mentioned and prior thereto, Reverend White had previously committed and had been accused of sexual abuse of young children by other individuals.

62. Upon information and belief, Reverend White’s sexual abuses of minor children began as early as 1962.

63. Upon information and belief, Reverend White molested or abused at least 10 boys between 1962 and 1994.

64. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, servants, representatives and/or employees, including Monsignor Robert J. Cunningham, knew of,

should have known or had reason to know of Reverend White's abusive behavior prior to his sexual exploitation and abuse of Plaintiff.

65. Upon information and belief, at all times hereinafter mentioned, Reverend White's actions were facilitated, condoned, contributed to and assisted by Monsignor Robert J. Cunningham.

66. Upon information and belief, Monsignor Robert J. Cunningham failed to report Reverend White's sexual abuse(s) to civil and criminal authorities.

67. Upon information and belief, if Monsignor Robert J. Cunningham had reported Reverend White's prior sexual abuse(s) to civil and criminal authorities, Plaintiff, DENNIS ARCHILLA, would not have been abused by Reverend White.

68. Upon information and belief, at all times herein mentioned, Monsignor Robert J. Cunningham, an officer, agent, servant, representative, and/or employee of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, knew or should have known Reverend White was a sexual predator and sexually molesting the student(s) at Queen of Heaven Church and School.

69. Upon information and belief, at all times hereinafter mentioned, Reverend White's actions were facilitated, contributed to, condoned and assisted by Monsignor Robert J. Cunningham, an officer, agent, servant, representative, and/or employee of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

70. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, including Sister Patricia Griffin, knew of, should have known or had reason to know of Reverend White's abusive behavior prior to his sexual exploitation and abuse of Plaintiff.

71. Upon information and belief, at all times hereinafter mentioned, Reverend White's actions were facilitated, condoned, contributed to and assisted by Sister Patricia Griffin.

72. Upon information and belief, at all times herein mentioned, Sister Patricia Griffin provided and delivered student(s), including Plaintiff, DENNIS ARCHILLA, to Reverend White for punishment, "discipline" and/or sexual abuse.

73. Upon information and belief, at all times herein mentioned, Sister Patricia Griffin knowingly left student(s), including Plaintiff, DENNIS ARCHILLA, alone with Reverend White.

74. Upon information and belief, at all times herein mentioned, Sister Patricia Griffin caused and permitted Reverend White to sexually exploit and abuse young boy(s), including Plaintiff, DENNIS ARCHILLA.

75. Upon information and belief, Sister Patricia Griffin failed to report Reverend White's sexual abuse(s) to civil and criminal authorities.

76. Upon information and belief, if Sister Patricia Griffin had reported Reverend White's sexual abuse(s) to civil and criminal authorities, Plaintiff, DENNIS ARCHILLA, would not have been abused by Reverend White.

77. Upon information and belief, at all times herein mentioned, Sister Patricia Griffin, an officer, agent, servant, representative, and/or employee of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, knew or should have known Reverend White was a sexual predator and sexually molesting the student(s) that she provided to and/or left alone with him.

78. Upon information and belief, at all times hereinafter mentioned, Reverend White's actions were facilitated, contributed to, condoned and assisted by Sister Patricia Griffin, an officer,

agent, servant, representative, and/or employee of Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

79. Upon information and belief, Reverend White had at least four assignments at different parishes, including Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, between the time that he was first officially accused of misconduct in 1979 and the time he was finally suspended in 1993 for sexually abusing young children.

80. Upon information and belief, Reverend White served at different times as an associate director at Buffalo Boys Town; an associate pastor at St. John the Evangelist, Our Lady of Loretto, and Queen of Heaven parishes; Chaplain at the Erie County Holding Center, the Amherst Presbyterian Nursing Center and Episcopal Church Home of Western New York; and Director of Planning and Research for the Diocese of Buffalo, N.Y.

81. Upon information and belief, Bishop Edward D. Head, as well as Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, had knowledge of Reverend White's sexual abuses and proclivities, and moved Reverend White from Queen of Heaven Church in West Seneca following the 1986-1987 incident(s) to the St. Louis Church on Main Street in Buffalo.

82. Upon information and belief, Bishop Head knowingly and intentionally selected the Main Street Parish for Reverend White specifically because it was a parish with a relatively small number of families with children.

83. Upon information and belief, instead of reporting incidents of clergy sexual misconduct to authorities or guardians, both prior and subsequent to Plaintiff's injury, Defendant,

QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, reassigned Reverend White to a different church because of his misconduct with parishioners and infant boys.

84. Upon information and belief, Reverend White was sent for “counseling and treatment” at an out-of-state facility on one or more occasions.

85. Upon information and belief, some Catholic priests, including Reverend White, were sent to “counseling and treatment” facilities to “reform” their behavior based on past sexual misconduct with minors, like Plaintiff.

86. Upon information and belief, predatory clergy were sent to the aforementioned “counseling and treatment” facilities as a device employed by Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, to literally cover up clergy abuses of child victims, including those by Reverend White.

87. Upon information and belief, Reverend White was suspended in 1993 after the mother of two victims confronted the Diocese of Buffalo with audio recordings of Reverend White with her children.

88. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, did not meet its obligation and responsibility to protect Plaintiff and other infant parishioners and students prior to Reverend White’s contact with Plaintiff, DENNIS ARCHILLA.

89. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees,

did not meet its obligation and responsibility to protect Plaintiff and other infant parishioners and students prior to Reverend White's contact with Plaintiff, DENNIS ARCHILLA.

90. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend White and protected him from prosecution while simultaneously exposing him and other sexual predators to infants, including Plaintiff, DENNIS ARCHILLA.

91. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, knowingly, willfully and intentionally concealed the conduct of Reverend White and protected him from prosecution while simultaneously exposing him and other sexual predators to infants, including Plaintiff, DENNIS ARCHILLA.

92. Upon information and belief, Defendants' knowledge of Reverend White's abuses and subsequent continued employment of him throughout the Diocese of Buffalo allowed Reverend White to continue his crimes and victimization of minors, including the ones perpetrated against Plaintiff, DENNIS ARCHILLA.

93. Upon information and belief, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, kept files of priests whom they knew or should have known to have engaged in pedophilia in a separate and secret records dossier hidden from outsiders, including employees of Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF

THE NEUMANN COMMUNITIES, as well as parishioners, civil authorities and criminal authorities.

94. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Reverend White and other priests' criminal predatory abuses.

95. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, did knowing and intentionally conspire to conceal and cover up Reverend White and other priests' criminal predatory abuses.

96. Upon information and belief, a former secretary of Bishop Richard Malone, acting as a "whistleblower", publicly disclosed limited personnel files and other documentation detailing predatory behaviors and sex abuse by clergy.

97. Upon information and belief, the Diocese of Buffalo had only acknowledged accusations against forty-two (42) clergy; the whistleblower's findings revealed that a truer number of known Diocesan priests accused of abuse as of 2017 was at least two-hundred two (202).

98. Upon information and belief, Reverend White is one of the priests that the Diocese of Buffalo has known to have engaged in wrongful contact and sexual abuse of minors.

99. Upon information and belief, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, actions were extreme, willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff.

100. As a result of the foregoing, including the aforementioned negligence, gross negligence, intentional concealment of abuse, the intentional and knowing transfer of priests because of sexual assaults previously committed, Plaintiff, DENNIS ARCHILLA, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A SECOND CAUSE OF ACTION

101. Plaintiff repeats and realleges those allegations set forth in Paragraphs “1” through “100” of the Complaint with the same force and effect as fully set forth herein at length.

102. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, through its officers, agents, representatives, servants and/or employees, negligently hired, retained, directed, and/or supervised Reverend White when they knew or should have known that he posed a threat of sexual abuse to children.

103. Upon information and belief, the sexual abuse of children by adults, including Reverend White, in the Queen of Heaven School and/or Queen of Heaven Church environments was foreseeable.

104. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, DENNIS ARCHILLA, and assumed the duty to protect and care for him by establishing, staffing, and/or operating Queen of Heaven School, encouraging the enrollment and instruction of Plaintiff,

accepting him as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

105. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, entered into an express and/or implied duty and/or contract to provide a reasonably safe environment for Plaintiff, DENNIS ARCHILLA, and assumed the duty to protect and care for him by establishing, staffing, and/or operating Queen of Heaven School, encouraging the enrollment and instruction of Plaintiff, accepting him as a student, and holding out the school as a safe environment for learning and engaging in youth activities.

106. Upon information and belief, at all times herein mentioned and prior thereto, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, caused, permitted and facilitated Reverend White's continued access to children, including Plaintiff, knowing that Reverend White was a child abuser and permitting him to continue his molestation practices for many years both before and after the events alleged herein.

107. Upon information and belief, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, knew of Reverend White's activities and proclivities toward child abuse, covered up his molestations and criminal behaviors, did not provide a safe learning environment for minor children in their purview, and failed to mitigate or remedy harm done by Reverend White.

108. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, knew and/or should have known that Reverend White and other

employees targeted and “shared” infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims’ families.

109. Upon information and belief, at all times herein mentioned and prior thereto, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, knew and/or should have known that Reverend White and other employees targeted and “shared” infants for child sexual abuse, failed to stop or report these crimes and abuses, and withheld information of same from both criminal and civil authorities as well as the victims’ families.

110. Upon information and belief, Plaintiff, DENNIS ARCHILLA, has incurred, primarily through Medicaid, medical expenses for his own care and treatments over the course of his lifetime for harm caused and/or contributed to by the sexual assault perpetrated upon him by Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, through its officer, agent, representative, servant and/or employee, Reverend White.

111. Upon information and belief, Plaintiff, DENNIS ARCHILLA, has incurred, primarily through Medicaid, medical expenses for his own care and treatments over the course of his lifetime for harm caused and/or contributed to by the sexual assault perpetrated upon him by Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, through its officer, agent, representative, servant and/or employee, Reverend White.

112. Upon information and belief, Reverend White sexually assaulted, sexually abused and/or had sexual contact with Plaintiff on the premises of Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK.

113. Upon information and belief, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, its officers, agents, representatives, servants and/or employees, were on notice of Reverend White's improper and inappropriate actions with other minor children, and knew or should have known of Reverend White's improper and inappropriate actions with Plaintiff.

114. Upon information and belief, Defendants, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK and/or SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence and contact of Reverend White in his role in Defendants' employ and to ensure that Reverend White did not abuse his authority under Defendants' employ.

115. As a result of the foregoing, Plaintiff, DENNIS ARCHILLA, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

AS AND FOR A THIRD CAUSE OF ACTION

116. Plaintiff repeats and realleges those allegations set forth in Paragraphs "1" through "115" of the Complaint with the same force and effect as fully set forth herein at length.

117. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, and its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure

to properly monitor, control, direct, advise, supervise and hire Reverend White, who sexually abused Plaintiff, would and did proximately result in physical and severe emotional distress to Plaintiff.

118. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, and its officers, agents, representatives, servants and/or employees, knew or reasonably should have known that the failure to properly monitor, control, direct, advise, supervise and hire Reverend White, who sexually abused Plaintiff, would and did proximately result in physical and severe emotional distress to Plaintiff.

119. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, and its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff would and did proximately result in physical and severe emotional distress to Plaintiff.

120. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, and its officers, agents, representatives, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct against Plaintiff would and did proximately result in physical and severe emotional distress to Plaintiff.

121. Upon information and belief, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Reverend White.

122. Upon information and belief, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Reverend White.

123. Upon information and belief, despite said knowledge, power and duty, Defendant, QUEEN OF HEAVEN ROMAN CATHOLIC CHURCH SOCIETY OF WEST SENECA, NEW YORK, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Reverend White sexually abusing Plaintiff.

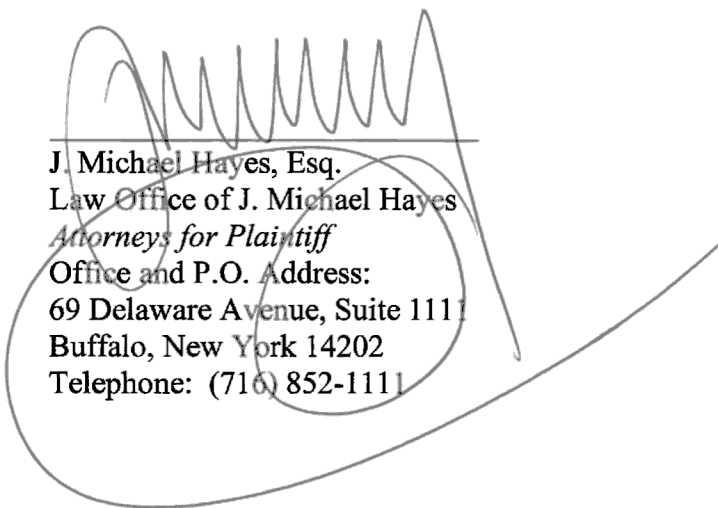
124. Upon information and belief, despite said knowledge, power and duty, Defendant, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, failed to act so as to stop, prevent and prohibit the improper conduct that resulted in Reverend White sexually abusing Plaintiff.

125. As a result of the foregoing, Plaintiff, DENNIS ARCHILLA, sustained severe personal physical and psychological injuries, medical expenses and lost wages, which have negatively harmed and impacted him over the entire course of his life all to his damage in a sum in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other punitive and exemplary damages as may be appropriate.

WHEREFORE Plaintiff demands a jury trial and judgment in excess of the jurisdictional limits of all the lower courts of the State of New York together with such other compensatory, punitive and exemplary damages, costs, disbursements and for such other relief as is just, proper and equitable.

DATED: BUFFALO, NEW YORK
September 4, 2019

Yours Respectfully,



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